Criminal Revision No. 145 of 2003

Hon'ble Irshad Hussain, J.

This is a criminal revision under Section 397/401 of the Code of Criminal Procedure against the order dated 11.9.2003 whereby the learned Sessions Judge rejected the application of the revisionist-accused moved under Section 311 of the Cr.P.C.

Heard Sri R.P.Nautiyal learned counsel for the revisionist and Sri K.S. Rautela, learned A.G.A. and perused the record.

From perusal of the record and the impugned order, it is evident that the defence had been afforded full opportunity to cross-examination the witnesses including Smt. Deepa. Application to recall her for re-examination was therefore bound to be rejected. There was no sufficient cause for permitting her recall for the purpose of the cross-examination by the defence. There being no impropriety in the order as well as the procedure of the trial, the revision is devoid of merit and is liable to be dismissed. The revision is hereby dismissed.

(Irshad Hussain, J.)

Dated 23.10.2003
Rawat